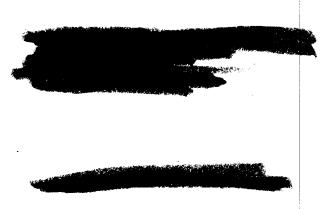
### **DEPARTMENT OF THE NAVY**

BOARD FOR CORRECTION OF NAVAL RECORDS 2 NAVY ANNEX WASHINGTON DC 20370-5100

JLP:ddi

Docket No: 3064-00

15 August 2000



This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 August 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 1780 PERS 604 of 23 June 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER Executive Director

**Enclosure** 



## **DEPARTMENT OF THE NAVY**

## NAVY PERSONNEL COMMAND 5720 INTEGRITY DRIVE MILLINGTON TN 38055-0000

1780 PERS-604

2

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO

Ref:

(a) CNPC memo 5420 PERS-00ZCB of 12 Jun 00

(b) Title 38, United States Code, Chapter 30

(c) Public Law 106-117 - Veterans Millennium Health Care and Benefits Act

1. The following is provided in response to reference (a):

a. Recommend denial of request to enroll in the Montgomery GI Bill (MGIB) Program. A review of his master microfiche record indicates igned the Statement of Understanding on his MGIB Program Enrollment/Disenrollment Form (DD Form 2366) on 22 June 1990, acknowledging he was eligible for enrollment, but elected to disenroll and signed the Statement of Disenrollment. Per reference (b), the decision to disenroll is irrevocable.

Pensacora, Florida, he was told he was not eligible for the MGIB Program. Without a statement from the briefing official, miscounseling cannot be documented. It can provide documentation from the briefing official where the alleged miscounseling occurred stating he provided incorrect information during his brief, a more favorable recommendation could be given.

so cites reference (c) in support of his allegation of the limit of miscounseling. The provision of reference (c) regarding the MGIB Program concerns periods of service to establish eligibility to MGIB Program "benefits" not eligibility for "enrollment." was eligible to enroll in the program; however, he elected to decline. Per reference (c), if the had elected enrollment in the MGIB Program, his active duty service at OCS and after his commissioning would have been considered continuous service and counted as required time to receive MGIB Program benefits. Reference (c) does not pertain to LT Edwards' case.

2. PERS-604's point of contact is MM1 Jones who can be reached at (DSN) 882-4245 or (C) 901-874-4245.

G. VICKERS

Commander, U.S. Navy Deputy Director, Navy Drug & Alcohol, Fitness, Education, & Partnerships Division (PERS-60)

Acting

# VETERANS' EDUCATIONAL ASSISTANCE ACT OF 1984 (GI BILL)

(Chapter 5%. True 36, U.S. CUSE)

## Privacy Act Statement

AUTHORITY:

Chapter 30, Title 38, U.S. Code, Sections 1411 and 1412.

PRINCIPAL PURPOSE:

To establish eliqibility to participate in the Veterans' Educational Assistance Act of 1984

(GI Bill of 1984.)

**ROUTINE USES:** 

Information will be used as a source document indicating participation status of each

				Beneπts Program.	
<u>ISCLOSURE</u> : Disclosure of your social security number and other personal information is voluntary. However, this form CANNOT be processed if requested information is not provided.					
1. SERVICE MEMBER					
A NAME AND A STATE OF THE PARTY				b. SOCIAL SECURITY	NUMBER (SSN)
Z. STATEMENT OF UNDERSTANDING					The same of the sa
a I am eligible for the C	I Bill of 1984 and	I am automatic	ally enrolled.		•
ь I have the option to d	lisenroll. (See pa	ragraph 4)			
c. If I disenroll, I must d			ntry on active dut	y.	
					(VEAP) nor for Chapter 34,
Title 38 U.S.C., Vietna					
e lunderstand that if I.	am a Service acad	emy or ROTC sc	holarship graduat	e, I am NOT ELIGIB	LE for the GI Bill of 1984.
1 SERVICE MEMBER					
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3. STATEMENT OF ENROLLMENT					
a. I understand that if I	remain enrolled in	n the GI Bill of 1	984 that \$100 per	month will be ded	lucted from my basic pay
for EACH of the first t					
b. I must complete thre	e years of service	before I am enti	tled to \$300 per r	rionth for 36 mont	hs (\$250 per month
for 36 months, if I have				Section 1997	
c. 1 must complete two	vears of active du	ty service and id	oin the Selected R	eserve for a minim	num four year service
agreement before la	em entitled to \$30	Oper month for	36 months.		···
d If a non-high school of	raduate, I must co	omplete all requ	irements for a hig	gh school diploma	(or an equivalency
certificate) before completion of my initial tour in order to qualify for the GI Bill of 1984.					
e. I must use my benefit	s within 10 years	of my separation	n or discharge fro	m active duty for t	he entitlement in
paragraph 3b or com	plete my Selected	Reserve obligation	tion for the entitle	ement in paragraph	n 3c
f. I must receive an hon	orable discharge	for service whic	h established enti-	tlement to the GI B	ill of 1984.
g. SERVICE MEMBER					
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n. YVITNESSING OFFICIAL					
(1) TYPED OR PRINTED NAME	(Last, First, Middle Initial)	(2) RANK/GRADE	(3) SIGNATURE		(4) DATE SIGNED
•				4	
4. STATEMENT OF DISENRO	LLMENT				

I do not desire to participate in the GI Bill of 1984. I understand that the option to enroll WILL NOT be available to me at a later date.

a. SERVICE MEMBER

(2) RANKIGRADE (3) SIGNATURE (1) TYPED OR PRINTED NAME and first Middle press) ENS 🕸

(4) DATE SIGNED 90 JUN 22

b. WITNESSING OFFICIAL

(1) TYPED OR PRINTED NAME (Last, First, Middle Initial) (2) RANK/GRADE (3) SIGNATURE (4) DATE SIGNED G5*5* 90 JUNI. 22 HEILS. DE

5. SERVICE UNIQUE EDUCATION ASSISTANCE OPTIONS

If I remain enrolled in the GI Bill of 1984, I may be eligible for additional educational assistance based on my military specialty and/or years of service as shown below.





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- 1. Retain this document in the member's pay and service records. If the member is not at your activity, forward to current duty station, it known, or return to NMPC-234.
- 2. Examine carefully, it it contains errors, circle the error and note the correct information. Return to NMPC-234 with the supporting documents.
- 3. Explanation of Blocks 6, 9, 17:
  - BLOCK 6: Date for computing service for bable pay (DODPM Part 1, Chap 1).
    - 9: This date is used for computing special pay for Deutal officers and is also used in Conjuction with establishing the HPPED in the case of Medical officers (DODPM Part 1, Chap 5).
    - 17: The letter 'Y' indicates over 4 years of active enlisted service. A slash '/' indicates 4 or less than 4 years of active enlisted service (DODPM 10105).

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S/N 0106-LF-010-8990

SHIP OR STATION COMMANDING OFFICER, NAVCRUITDIST MEMPHIS, MEMPHIS, IN 38104-2102

08DEC89

Enlisted this date in the Naval Reserves in the special enlisted this date in the havai deserves in the special enlisted rate of OCPO2/E5/1395, to serve for a period of 8 years. Issued orders to report to the Commander, Aviation Schools Command, Pensacola, FL for active duty

on 28 February 1989.

CNRC PORT PRINTOUT #404086279 AUTHORITY:

DTD 29NOV89

HOME OF RECORD: 4275 MEREDITH ROAD, PADUCAH, KY 42001

By direction

08DEC89

I understand that I will be authorized to ship household goods of up to 400 lbs. net weight to Pensacola, FL as a temporary duty allowance.

SIGNATURE OF ENLISTEE

Evidence of degree sighted this date. Received B.S. Degree in Construction Technology from Murray State University 13 MAY 89.

By direction

Wife (Lot, First, Mille) EDMARDS SHAWN THYMAS

**EXAMPLAND CLASS** USICK

ANNEX A TO DD FORM 4 DATED OSDEC89